

MISSISSIPPI WIRELESS COMMUNICATION COMMISSION

January 7, 2010 Meeting Minutes

Place: MDOT Auditorium

Commission Members Present:

MS Emergency Management Agency	Kent Buckley
MS Department of Public Safety	Stanley Sisk
MS National Guard	William Freeman
MS Association of Supervisors	Steve Gray
MS Department of Environmental Quality	Keith Harkins
MS Department of Transportation	Willie Huff
MS Association of Fire Chiefs	Tom Lariviere
MS Office of Homeland Security	Byron Thompson
MS Department of Information Technology Services	David Litchliter
MS Department of Health	Mike Lucius
MS Department of Public Safety	Stephen Simpson

Advisory Members Present:

Chairman Epps called the meeting to order at approximately 1:30 PM and welcomed everyone.

Chairman Epps then asked if there were any changes to the minutes emailed on January 4, 2010. There were no changes and the Chairman called for a motion to approve the minutes of the December 3, 2009 meeting. Keith Harkins made the motion, it was seconded by Tom Lariviere and the motion passed with none opposed.

Chairman Epps recognized Keith Harkins to report for the Procurement Review Committee. Mr. Harkins reported that no requests came before the Committee this month and therefore he had nothing to report.

Willie Huff was recognized to report for the Governance/Interoperability Committee. Mr. Huff stated that the Committee met on December 16, 2009. Thirty-one (31) grant requests have been awarded to date for a total of \$4,615,199.79. The Lee County PSIC Award was also approved for an increase of \$199.00. Mr. Roach noted that new requests for PSIC funds continue to come in and that interest in the award continues to grow in the Northern portion of the state.

Chairman Epps called for a report from the Revenue Committee. Mr. Lucius stated that the Committee is looking at some funding sources but they are in the preliminary stage at this time and he had nothing to report.

Mr. Huff asked if it would be appropriate for the Commission or the Executive Committee to ask the Legislature for a budget for at least a portion of the operational expenses for the Project. Funding for operations would take some of the pressure off the bond funds being used for that purpose at this time. He noted that during this lull in construction as a result of FEMA EHP Reviews, no construction is taking place and operating expenses are coming out of funds that would normally go toward the construction and phase implementation. He feels it might be a good time to acclimate the Legislature to this kind of request.

Mr. Litchliter stated that it would not hurt for the Commission to make a request but he thinks the best approach would be through support of the Commission's Advisory Committee. With the current budget issues, we may not get any funding but would have started the process and even a little funding would help.

Chairman Epps asked Bill Roach to provide the MSWIN Project Update. Mr. Roach reported that not much has happened this month due to FEMA EHP Reviews on the tower sites. He noted that nine (9) additional sites have been submitted to FEMA for review since last month which brings the total to fifty-three (53) submissions. There has been no word back on the status of reviews. The last communication indicated FEMA would start scoping sometime before December 31, 2009.

The FEMA EHP requires that we notify eleven (11) additional entities over and above those that satisfy the FCC and FAA requirements, including the Corp of Engineers. We must get positive confirmation back from these entities stating that they do not have any issues with our building a tower. According to FEMA, even after we get the whole packet, the confirmation, site plans, zoning, and permitting and submit them, they have up to a year to review. Additionally, Mr. Roach does not anticipate that any construction can be started, past the emergency purchase for six (6) of the fourteen (14) sites in Phase 2B. It will be in the March to June timeframe, at best, before we can proceed with the loading of equipment even on these sites.

Mr. Roach noted that the WCC is continuing to do limited due diligence and would like to have Towers of Mississippi, our Build-to-Suit Vendor, continue with due diligence on Phase 2 and Phase 3 sites. The cost for due diligence, because of additional due diligence requirements dictated by FEMA EHP, has increased from \$16,000 to \$25,000 per site (if the packets we have submitted are satisfactory). Mr. Roach's best guess is that we have lost about a year in construction. We have not started any new construction since June 26, 2009.

Chairman Epps asked if we are in contact with FEMA. Mr. Roach noted that we regularly contact them seeking a definitive response. Mr. Roach also indicated that at the last meeting, Vice Chairman Womack said that if we did not have a response from FEMA by December 15, 2009, he would assist. Mr. Roach did let Mr. Womack know but has not been contacted by Mr. Womack since that time. Kent Buckley said that Mike Womack had talked with Phil May, FEMA Region 4 Director whose response was that they were working at capacity and would work on it as much as they could. Mr. Roach noted that we submit our packets to sub-contractor, Booz Allen, and that the contact there says that all packets they received have been submitted to Region 4 in Atlanta. Kent Buckley said they would follow up with a phone call to check on the status again.

Mr. Roach stated that Phase 1 is virtually complete. Some final preparations for acceptance and a clean-up of punch-list items are being done. We will probably be ready to accept Phase 1 in February if all punch-list items are cleared up. Phase 2A (sites around Jackson) could have coverage testing done by March. We would like to bring the system up from Jackson to the Coast in the March time frame. If we start loading the system, MDOT has expressed some interest in loading Phase 1 South and Colonel Berthay said they were possibly interested.

All the mobiles for Phase 1 have been received, scanned into the inventory, and have been distributed to MBN, MDOT, and some to MHP so they can begin installation. The contract with Motorola provides for installation in the vehicles. MDOT has requested that they install their own and MHP has said something about installing their units in the Highway Patrol cars starting with the new vehicles that come in. We need to know if you want Motorola to do installations so that schedules can be set up. In addition, training for the new equipment needs to be scheduled if we are loading in the March to June timeframe. Mr. Roach will send out emails to the Commission members with information concerning installation and training.

We have received seven hundred ninety-two (792) portable subscriber units and seven hundred twenty-six (726) mobile subscriber units.

Information on the status of FEMA EHP Reviews has been included with the handouts and if the Commission has questions you can call or email Mr. Roach and he will be happy to answer any questions.

Mr. Litchliter provided a report on the monthly expenditures. Mr. Litchliter noted that we have \$62M dollars remaining allocated to the project. Of that amount, about \$22M dollars is what we have that can be spent right now. We have permission to replenish about \$16M dollars of bond money from FEMA funds once they are released. After FEMA funds are released we will have approximately \$52M dollars in hand to continue the project. Congress has approved an additional \$100M dollars for the MSWIN project. FEMA approval is required in order to spend those dollars as well. That means that we have about \$150M dollars to spend on the project which should be enough to complete everything we expected to complete when we started the project.

On Detailed Expenditures, Mr. Litchliter stated they will begin showing details on reimbursements on the PSIC Grant. Due to a change in ownership of the towers we are leasing, the tower lease payment was not made for the month of December because of the paperwork that had to be done to transition from one owner to the other. They are prepared to make a double payment next month.

Mr. Litchliter provided an update on the Build-to-Suit RFP stating that we did get a protest on the award. He did not agree with the protest and his decision was appealed to the ITS Board. In December, the ITS Board agreed with Mr. Litchliter's original decision and upheld the original award to Towers of Mississippi II.

Chairman Epps called for other business. Mr. Huff stated that the Commission By-Laws were set up around June of 2008. During that time, a Vice Chairman was elected but not a Chairman. The current Chairman is serving a term that started in 2005. Mr. Huff wanted it made clear that his statements were not in any way negative toward the current Chairman but that Commission should have election for the Chairman. Mr. Huff suggested that a motion be made to have an election some time in the near future, to perhaps make nominations at the next meeting or allow the attorneys to research possibilities. Mr. Huff then asked for comments from the Commission.

Mr. Litchliter stated that since it has been a number of years since the bylaws were put in place, it may be a good idea to review them to see if they need to be modified. Mr. Roach stated that if it is determined that the bylaws be opened up for changes, it should be noted that in some cases the Commission is operating contrary to the bylaws and that should be addressed.

Chairman Epps recognized Attorney Mark Garriga. Mr. Garriga stated that he thinks the suggestion to tweak the bylaws is a good one and that the bylaws do not account for this type of situation. He further stated that a revision to the section with the Chairmanship could easily resolve this issue. A small sub-committee could be formed to review and make changes and that he will be happy to advise the sub-committee if it is deemed necessary.

Chairman Epps formed the following sub-committee to review and make changes to the Commission Bylaws: Willie Huff, Tom Lariviere, Stephen Simpson, David Litchliter, and Bill Freeman. He named Willie Huff as Chairman.

There was no further Commission business for discussion.

The next meeting will be held on February 4, 2010 at 1:30 PM in the MDOT Auditorium.

Stephen Simpson made a motion to adjourn and Tom Lariviere seconded the motion. The motion passed with none opposed. Meeting adjourned at approximately 2:00 PM.